28

STANDING COMMITTEE ON RAILWAYS

(2007-08)

FOURTEENTH LOK SABHA

MINISTRY OF RAILWAYS
(RAILWAY BOARD)

[Action taken by the Government on the recommendations/ observations contained in the 24th Report of the Standing Committee on Railways (Fourteenth Lok Sabha) on 'Land Management']

TWENTY EIGHTH REPORT

LOK SABHA SECRETARIAT
NEW DELHI

September, 2007/Bhadrapada, 1929 (Saka)

SCR No.: 115

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Presented to Lok Sabha on 07.09.2007
Laid in Rajya Sabha on 07.09.2007

LOK SABHA SECRETARIAT
NEW DELHI

September, 2007/Bhadrapada, 1929 (Saka)

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COMPOSITION OF THE STANDING COMMITTEE ON RAILWAYS (2007-08)

Shri Basudeb Acharia - Chairman

MEMBERS

LOK SABHA

2. Shri Prasanna Acharya
3. Dr. Dhirendra Agarwal
4. Shri Atiq Ahamad
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12. Ch. Lal Singh
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14. Shri Laxmanrao Patil
15. Shri A. Sai Prathap
16. Shri Kishan Singh Sangwan
17. Shri Iqbal Ahmed Saradgi
18. Shri Manik Singh
19. Shri K. Subbarayan
20. Shri C.H. Vijayashankar
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RAJYA SABHA

22. Shri Karnendu Bhattacharjee
23. Maulana Obaidullah Khan Azmi
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25. Shri Lalit Kishore Chaturvedi
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27. Shri Tarini Kanta Roy
28. Shri A. Elavarasan
29. Shri Isam Singh
30. Shri Harendra Singh Malik
31. Shri Abani Roy

LOK SABHA SECRETARIAT

1.	Dr.(Smt.) P.K. Sandhu	-	Additional Secretary
2.	Shri A. Louis Martin	-	Joint Secretary
3.	Shri V.S. Negi	-	Director
4.	Shri Hoti Lal	-	Deputy Secretary
5.	Shri Vinay P. Barwa	-	Executive Officer

INTRODUCTION

I, the Chairman of the Standing Committee on Railways (2007-08), having been authorized by the Committee to present the Report on their behalf, present this Twenty Eighth Report of the Committee on Action Taken by the Government on the Recommendations/Observations contained in the Twenty Fourth Report of the Standing Committee on Railways on 'Land Management'.

2. The Twenty Fourth Report was presented to Lok Sabha on 28.11.2006 and it contained 11 recommendations/observations. The Ministry of Railways have furnished their Action Taken Replies on all the recommendations/observations on 18.01.2007.

3. The Committee considered and adopted the Draft Action Taken Report at their sitting held on 06.09.2007.

4. An analysis of the action taken by the Government on the recommendations/ observations contained in the Twenty Fourth Report of the Standing Committee on Railways (Fourteenth Lok Sabha) is given in Appendix-II.

NEW DELHI;
6 September, 2007
15 Bhadrapada, 1929 Saka

BASUDEB ACHARIA
Chairman,
Standing Committee on Railways

REPORT

CHAPTER – I

This Report of the Committee deals with the Action Taken by the Government on the recommendations and observations contained in the 24th Report of the Standing Committee on Railways on 'Land Management'. The Report was presented in Lok Sabha on 28th November, 2006 and laid in Rajya Sabha on 29.11.2006.

1.2. Action Taken Notes have been received from the Government in respect of all the 11 recommendations/observations contained in the Report. These have been broadly categorised as follows:

(i) Recommendations/Observations which have been accepted by the Government:
Para Nos. 1, 2, 4, 8, 9, 10 and 11

(ii) Recommendations/Observations which the Committee do not desire to pursue in view of the Government's replies:
Para No. Nil

(iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration:
Para Nos. 6

(iv) Recommendations/Observations in respect of which final replies are still awaited:
Para Nos. 3, 5 and 7

1.3 The Committee desire that final replies in respect of the recommendations for which only interim replies have been given by the Government should be furnished to them expeditiously.

1.4 The Committee will now deal with the action taken by Government on some of their recommendations.

A. Land Management Cells

(Recommendation Para No.4)

1.5 The Committee observed that to strengthen Land Management Cells in each Zone, Railways had directed the Zonal Railways to augment the staff strength of these Cells from the available resources and provide them regular training in land management. The Committee, keeping into account the importance and the seriousness of job assigned to these Land Management Cells were of the considered view that the Railways should accord utmost priority for strengthening of these cells by providing all necessary inputs like trained manpower and requisite technology etc. so that these cells may function more effectively and scientifically.

1.6 In their Action Taken Reply the Ministry of Railways have stated as under:-

> "The recommendation of the Committee is noted for issuing suitable direction to all Zonal Railways."

1.7 It is not clear from the reply of the Ministry of Railways whether or not the Railways have since issued directions to Zonal railways for strengthening of Land Management Cells as recommended by the Committee. They desire that the Railways should immediately issue suitable directions to all the Zonal Railways in this regard, if not already issued, and furnish a copy of the same to the Committee for their information.

B. Fixation of responsibility and accountability for encroachment

(Recommendation Para No.6)

1.8 The Committee observed that as per the Joint Procedure Order (JPO) of 2001, responsibility for the removal of encroachment on railway land lies with many Departments. They were of the firm view that unless and until there is a nodal agency/officer responsible for prevention/detection/removal of encroachments, it would be difficult to fix the responsibility for any

encroachment on any single Department. They, therefore, had recommended that the Officer-in-charge of Land Management Cell at Zonal Railway and Divisional Railway Manager at the Division level be assigned with this responsibility and these officials should be held directly responsible for any further encroachment. It was also recommended that to ensure their accountability penal action may also be fixed.

1.9 In their Action Taken Reply the Ministry of Railways have stated as under:-

> "Civil Engineering department in the Zonal Railways continue to be the nodal department for, inter-alia, maintenance of Railway land free of encroachments. However, prevention of encroachment on a particular area of Railway land coming in the jurisdiction of a particular department can be best handled by the official-in-charge of that particular department, who can take action immediately, being present at site.
>
> The Senior Administrative Grade officer-in-charge of the land management organization in the Headquarters of a Zonal Railway is entrusted with many other responsibilities in addition to dealing with encroachments for which he has to coordinate with a number of officers in the Divisions. Therefore, fixing direct responsibility on a single officer in the Headquarter may not be quite practical. Moreover, if a single officer is directly held accountable for each and every encroachment, this may create a sense of irresponsibility in the attitude of the officials manning posts in the field.
>
> Similarly, in the Division, the Divisional Railway Manager is responsible for functioning of all the departments in the entire Division. If he is held directly responsible for simple day-to-day activities of all the departments, he may not be able to discharge his duties, instead he may be burdened with responding to all the individual instances of minutest irregularity noticed in all the departments. Therefore, it may not be quite practical to make the DRM directly accountable for every encroachment."

1.10 The Ministry of Railways have neither agreed to the Committee's recommendation nor have they proposed any effective mechanism within the existing arrangement to ensure accountability on an important activity of preventing encroachment of Railway lands. Such indifference on the part of the Ministry of Railways is deplorable. No one seems to have been entrusted with specific responsibility of preventing encroachment of lands held by the Railways. It is high time that the Ministry of Railways look into this problem in right earnest and

do the needful to fix responsibility on officers at various levels in Divisions and Zones for effectively preventing encroachments. They desire that action taken in this regard be intimated to them within three months.

C. Amendment of Public Premises (Eviction of Unauthorized Occupants) Act, 1971

(Recommendation Para No. 7)

1.11 The Committee were informed that a suggestion to amend the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 so as to empower Estate Officers had been made to the Ministry of Urban Development in the year 2003 but their final reply is still awaited. The Committee had desired that the Railways should take up the matter with the Ministry of Urban Development at the highest level and necessary amendments in the PPE Act be brought out at the earliest.

1.12 In their Action Taken Reply, the Ministry of Railways have stated that a letter from Hon'ble Minister of Railways to the Hon'ble Minister of Urban Development will be sent and thereafter, it will be vigorously pursued.

1.13 It is not clear whether the matter has since been taken up by the Minister of Railways with the Minister of Urban Development and if so, with what result. The Committee would like to be informed of the outcome.

D. Certification and Computerization of Land Plans

(Recommendation Para No.8)

1.14 The Committee had found inter alia that almost in all the Zonal Railways the works relating to computerization and certification of land plans were too slow and in case of Eastern Railway computerization of land development plans had not at all taken place so far. According to the Ministry of Railways, consequent upon creation of new Zones in 2003-04, land development plans had to be transferred from one Railway to another, which had affected the progress

of computerization. It was stated that this work had been taken up as a mission area and that the work would be completed within a year or so. The Committee had desired that the work relating to computerization and certification of land records should be completed without any further delay and the information in this regard be made available also on the Railway website simultaneously.

1.15 In their Action Taken Reply, the Ministry have stated as under:-

> "All possible efforts are being made to expedite the process of certification and computerization of land plans and the data of land plans will soon be made available in the web."

1.16 The Committee had been informed earlier by the Ministry that the task of computerization and certification of land records of all Zonal Railways would be completed within a year. The Ministry have now informed that all possible efforts are being made by the Railways to expedite the process of certification and computerization of land plans. From what is stated by the Ministry, there appears to be some uncertainty about fully computerizing land plans in time. Nine months have passed after presentation of the report by the Committee. The Committee emphasize that the work should be completed within the assured time frame and the Committee be informed of the position.

E. <u>Rail Land Development Authority (RLDA)</u>

(Recommendation Para No.9)

1.17 The Committee had noted that Railways in the year 2005 had brought out an amendment in the Railway Act, 1989 so as to set up a separate Land Development Authority (RLDA) to deal with developmental activities. However, this Authority could not be constituted and notified as the Ministry of Law and Justice had desired that before notifying the setting up of RLDA, rules for the proposed authority be framed. The rules since framed in this regard were being sent to the Ministry of Law and Justice (Legislative Wing) for vetting and Authority was expected to be set up in the next couple of months. The

Committee had strongly disapproved the delay and recommended that the constitution of the RLDA be notified at the earliest so that the land development works may not get hampered.

1.18 In their Action Taken Reply, the Ministry of Railways have stated as under:-

> "The Authority has since been constituted w.e.f. 1st November, 2006. The delay was mainly due to elaborate long process of drafting of Rules & the vetting of the same by the Ministry of Law & Justice……"

1.19 The Committee are happy to note that the Rail Land Development Authority (RLDA) has since been set up. The Committee hope that the establishment of RLDA will give greater thrust to all tasks related to property development on Railway land under the control of the Ministry of Railways.

CHAPTER – II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Railway Land

(Recommendation Para No.1)

The Committee find that as on 31.3.2006, Railways own 4.31 lakh hectares of land. They were informed that as on 1st April, 2004, 3.26 lakh hectares of land was in use for locating service and operational infrastructure such as track, workshops, production units, stations, staff colonies etc. and 0.03 lakh hectares for commercial licensing and many other miscellaneous uses like afforesation, grow more food and pisciculture. When the Committee wanted to know the actual position of land used as on 31.3.2006, they were informed that as some more acquisition of land has been made for the new projects taken up, it would take some time to give an updated figure. The Committee express their serious concern over the failure of the Railway Board in maintaining proper and accurate data of land use. They desire that the requisite information be furnished to them within a period of three months.

Reply of the Government

The data on land holding is maintained on Zonal Railways and not in Railway Board. Therefore, Zonal Railways were asked to furnish updated data as on 01.04.2006.

The break up of the land as on 01.04.2006 is as follows:-

(Area in lakhs of hectares)

S.No.	Land Use	Area (lakhs of hectares)	Percentage of total land holding
(i)	Track and structure including stations, colonies etc.	3.26	75.7
(ii)	Afforestation	0.45	10.5
(iii)	'Grow More Food' Scheme	0.06	1.40
(iv)	Commercial licensing	0.03	0.7
(v)	Other uses like pisciculture	0.04	0.8
(vi)	Encroachment	0.02	0.5
(vii)	Vacant land	0.45	10.4
	Total	4.31	

[Ministry of Railways No.2006/BC-II/XIV/300/5]

Afforestation of Railway Land

(Recommendation Para No.2)

The Committee note that out of 4.31 lakh hectares of land holdings as on 1.4.2004, 10.5 per cent of land was under afforestation done through State Forest Department on vacant land along the tracks, near workshops and colonies etc. They have been informed that though afforestation policy has helped in providing green cover but Railways had the problems with State Forest Departments such as non execution of the agreements, denial of legitimate access for undertaking routine safety works connected with railway safety, works connected with railway operations, getting back the land for railway purposes etc. The Committee feel that Railways should not get detracted from their policy of afforestation by these problems rather they should make efforts to solve such problems amicably by taking up the matter with State Government Authorities. Since, afforestation is the need of the hour, the Committee desire that Railways should continue with their afforesation policy with more vigorous efforts.

Reply of the Government

Railway is continuing with its afforestation policy. However in case of afforestation by State Forest Department, land will be entrusted to Forest Department for plantation only after execution of agreement and on the condition that land will not be declared as 'Protected' or 'Reserve' forest.

[Ministry of Railways O.M. No.2006/BC-II/XIV/300/5 dated 18.01.2007]

Land Management Cell

(Recommendation Para No.4)

Land being an important non traditional resource, a proper and scientific management of the same becomes essential and in order to put this highly important area of activities on proper footing, Railways have set up Land Management Cells in each Zone. The Committee were informed that the officers of Land Management Cells, apart from dealing with issues related to land management such as

licensing/leasing of Railway Land, commercial development of Railway Land/airspace, afforestation, removal of encroachment, verification of land records, recovery of license fee, liquidation of arrears and dealing with litigations etc., are also entrusted with some other responsibilities. However, after the constitution of Railway Land Development Authority (RLDA), the work relating to commercial development of Railway Land which are vacant/surplus and which do not have any immediate use will be entrusted to it and the remaining works will continue to be handled by the Land Management Cell. To strengthen these Cells, Railways have directed the Zonal Railways to augment the staff strength of these Cells from the available resources and provide them regular training in land management. The Committee, keeping into account the importance and the seriousness of job assigned to these Land Management Cells are of the considered view that the Railways should accord utmost priority for strengthening of these cells by providing all necessary inputs like trained manpower and requisite technology etc. so that these cells may function more effectively and scientifically.

Reply of the Government

The recommendation of the Committee is noted for issuing suitable direction to all Zonal Railways.

[Ministry of Railways O.M. No.2006/BC-II/XIV/300/5 dated 18.01.2007]

Certification and Computerization of Land Plans

(Recommendation Para No.8)

The Committee find that land record register and land boundary verification registers are maintained, as per the prescribed proforma, in Chief Engineers Office at Zonal level and in Divisions. Section Engineers are duty bound to ensure that the land records and boundaries are kept intact in revenue records. They further notice that out of the 52560 land plans available with the Railways as on 1.4.2006, 42978 plans so far have been certified by the Revenue Authorities and 38711 plans are computerized by the Railways. From the statistics

furnished to them by the Railways in this regard, they find that almost in all the Zonal Railways the works relating to computerization and certification of land plans are too slow and in case of Eastern Railway computerization of land development plans have not at all taken place so far. The Ministry of Railways informed the Committee that consequent upon creation of new Zones in 2003-04, land development plans had to be transferred from one Railway to another which has affected the progress of computerization. Now this has been taken up as a mission area and would be completed within a year or so. In case of Eastern Railway, computerization of land plans is being outsourced. Railways are monitoring the position of computerization on monthly basis and it will definitely improve in the coming months. The Committee desire that the work relating to computerization and certification of land records should be completed without any further delay and the information in this regard be made available also on the Railway website simultaneously.

Reply of the Government

All possible efforts are being made to expedite the process of certification and computerization of land plans. The date of land plans will soon be made available in the web.

[Ministry of Railways O.M. No.2006/BC-II/XIV/300/5 dated 18.01.2007]

Rail Land Development Authority (RLDA)

(Recommendation Para No.9)

The Committee note that IX Plan document had envisaged development of surplus/vacant land for commercial utilization to supplement the internal resource generation of the Railways. However, due to absence of clear mandate in the Railway Act, 1989 and inadequate expertise in the field of real estate development activities, Railways could not make much headway in this direction. They further find that to garner clear cut mandate to utilize surplus/vacant land for commercial development like setting up of

shops in the subways, shopping complex etc. Railways in the year 2005 have brought out an amendment in the Railway Act, 1989 so as to set up a separate Land Development Authority to deal with developmental activities. However, this Authority could not be constituted and notified as the Ministry of Law and Justice has desired that before notifying the setting up of RLDA, rules for the proposed authority be framed. The Ministry have informed the Committee that the rules now framed in this regard and approved by the Minister of Railways are being sent to the Ministry of Law and Justice (Legislative Wing) for vetting and Authority is expected to be set up in the next couple of months. The Committee take a serious view of the fact that although almost a year has elapsed after the notification of the Railways (Amendment) Act, 2005, the RLDA is yet to be constituted by the Railways. Such an apathetic attitude reflects lack of seriousness of the Ministry in constitution of the proposed Authority. They strongly disapprove this delay and recommend that the constitution of the RLDA be notified at the earliest so that the land development works may not get hampered. They would like to be apprised of the action taken in this regard.

Apart from this, they also recommend that the surplus railway land for commercial development be leased on short term basis only i.e. for not more than 25-30 years with the specific proviso that in case of requirement for business operation any time in future the lessor i.e. the Railways can retrieve such land.

Reply of the Government

The Authority has since been constituted w.e.f. 1st November, 2006. The delay was mainly due to elaborate long process of drafting of Rules & the vetting of the same by the Ministry of Law & Justice. As regards commercial development of railway land on short term basis, it may be submitted that the matter of lease period has been dealt with extensively at the time of framing of

standard bid documents and the following lease periods as fixed depending upon the use of land are considered appropriate:

1. Development/lease of shops : 30 years extendable to 45 years
2. Development of air-space : 45 years extendable to 60 years
3. Development of vacant land : 60 years extendable to 90 years

However, provision for retrieval of land in case the same is required by Railway for its own use already exists in the bid documents.

[Ministry of Railways O.M. No.2006/BC-II/XIV/300/5 dated 18.01.2007]

Leasing of encroached lands/shops to cooperatives

(Recommendation Para No.10)

The Committee note that there are certain hard encroachments by shopkeepers on Railway land which are continuing for more than 50 years or so and the Railways have not been able to vacate them. They further find that to solve such chronic encroachments, Railways have formulated a policy in 2002 to regularize such encroachment on cooperative basis by providing shops/lands on lease at one station per Division. The Committee are of the view that by restricting it to one station per Division, Railways may not be able to resolve the problem as such. They, therefore, desire that the extant policy be extended to more than one station per Division.

Reply of the Government

In line with the recommendation of the Standing Committee, it has been decided to extend the scheme to two (2) stations per Division, as an experimental measure.

[Ministry of Railways O.M. No.2006/BC-II/XIV/300/5 dated 18.01.2007]

Use of Railway Land for Social Activities

(Recommendation Para No.11)

The Committee observe that there is a well laid down policy of the Railways to hand over the land to State Governments/Local bodies for various social activities viz. construction of Schools, Bus Terminals,

Stadium etc., if such land is not required by the Railway for their operations. However, the Committee note that it takes years for State Governments/Local bodies to acquire such land due to lengthy procedure followed by the Railways. They also find that there are certain demands/requisitions by the State Governments/Local bodies which are still pending with the Railways for the last many years. In views of this, the Committee desire that the Railways should process these demands/requisitions expeditiously and the extant procedure for clearance of such land be simplified and made amenable

Reply of the Government

As per extant policy, railway land if separable may be considered on long term lease basis to State Government/Public Sector Undertakings on payment of 99% of market value of land as lease money plus Rs.1000/- per annum as nominal charges. Powers have been delegated to General Managers for lease of railway land upto Rs.5 lakh. Proposals involving value of land more than Rs.5 lakh require approval of Railway Board. Proposals as and when received are processed on priority basis and disposed of as expeditiously as possible.

[Ministry of Railways O.M. No.2006/BC-II/XIV/300/5 dated 18.01.2007]

CHAPTER – III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT'S REPLY

- Nil -

CHAPTER – IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

Fixation of responsibility and accountability for encroachment

(Recommendation Para No.6)

The Committee find that as per the Joint Procedure Order (JPO) of 2001, many Departments are responsible for the removal of encroachment on railway land. They are of the firm view that unless and until there is a nodal agency/officer responsible for prevention/detection/removal of encroachments, it becomes difficult to fix the responsibility for any encroachment on any single Department. They, therefore, strongly recommend that the Officer-in-charge of Land Management Cell at Zonal Railway and Divisional Railway Manager at the Division level be assigned with this responsibility and in case of any further detection of such encroachment, these officials should be held directly responsible for the same and penal action may also be fixed to ensure their accountability.

Reply of the Government

Civil Engineering department in the Zonal Railways continues to be the nodal department for, inter-alia, maintenance of Railway land free of encroachments. However, prevention of encroachment on a particular are of Railway land coming in the jurisdiction of a particular department can be best handled by the official-in-charge of that particular department, who can take action immediately, being present at site.

The Senior Administrative Grade officer-in-charge of the land management organization in the Headquarters of a Zonal Railway is entrusted with many other responsibilities in addition to dealing with encroachments for

which he has to coordinate with a number of officers in the Divisions. Therefore, fixing direct responsibility on a single officer in the Headquarter may not be quite practical. Moreover, if a single officer is directly held accountable for each and every encroachment, this may create a sense of irresponsibility in the attitude of the officials manning posts in the field.

Similarly, in the Division, the Divisional Railway Manager is responsible for functioning of all the departments in the entire Division. If he is held directly responsible for simple day-to-day activities of all the departments, he may not be able to discharge his duties, instead he may be burdened with responding to all the individual instances of minutest irregularity noticed in all the departments. Therefore, it may not be quite practical to make the DRM directly accountable for every encroachment.

[Ministry of Railways O.M. No.2006/BC-II/XIV/300/5 dated 18.01.2007]

CHAPTER - V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES ARE STILL AWAITED

Plantation of Jatropha Curcas

(Recommendation Para No.3)

The Committee have been further informed that Railways have asked the Zonal Railways to take up plantation of 'Jatropha Curcas' through Departmental effort on a massive scale along the tracks and other areas and a target of 72 lakh saplings have been fixed for the year 2006-07. The Committee also notice that the Railways have entered into a Memorandum of Understanding (MOU) with Indian Oil Corporation (IOC) for plantation of Jatropha Curcas on 500 hectares of land to be leased by Railways to IOC for producing environment friendly fuel, bio-diesel for use by Railways. So far, plantation on 48 hectares of land has been completed by IOC. However, during the evidence, the Committee were informed that subsequent to this first project taken up for plantation of Jatropha Curcas, Railways found that many other parties are also interested in this field. Therefore, to finalise the modalities of the contract with concerned parties, Railways have engaged consultant and based on their report, some areas have been identified by Railways and open tender is being invited in order to select party. The Committee desire that the process of selection of parties be expedited and decision taken in this regard be intimated to them at the earliest.

Reply of the Government

The consultant has since submitted the final report and the same is under examination. Further action taken will be advised to the Committee in due course.

[Ministry of Railways O.M. No.2006/BC-II/XIV/300/5 dated 18.01.2007]

Encroachment

(Recommendation Para No.5)

The Committee note with concern that as on 31.3.2006 about 2033 hectares of Railway Land are under encroachment mostly in Metro cities and in and around urban areas. The Northern Railway ranks first in all Zones with 1145 hectares of land under encroachment. The Committee were informed during evidence that there are in all 1,59,323 cases of encroachments out of which 39, 733 cases are pending in courts under Public Premises Eviction Act, 1971. Although in 44.473 cases the Estate Officer has passed orders under PPE Act to vacate the land, however, the eviction could not take place because of lack of cooperation from State Governments in execution of the orders of Estate Officer. In 3539 cases, the encroachers have gone to High Court against the decision of the Estate Officer.

The Committee observe that the action for removal of encroachment on Railway Land is taken by the Railways under the provisions of Public Premises Eviction Act, 1971, Section 147 of Railway Act, 1989 and also under Section 42.4 of Railway Protection Force Act, 1957. As per the Joint Procedure Order (JPO) of 2001, the prevention/detention/removal of encroachment is the joint responsibility of many Departments including Railway Protection Force. The latter provides assistance within their limitations as this is not covered under the Provisions of Railway Protection Force Act, 1957 and Railway Act, 1989. However, the Committee have been informed by the representative of the Ministry of Railways during evidence that a proposal to amend the Railway Protection Force Act, 1957 so as to include 'railway lands' and 'immovable property' in the definition of 'railway property' was taken up with the Ministry of Law and Justice but the latter did not concur with the proposal. The Ministry further informed the Committee that the problem of encroachment is not only

with the railway lands but same is the case with other Ministries/Departments of the Union Government. Therefore, to find out the ways to deal encroachment problems, a discussion is going on to form a Task Force in the Ministry of Urban Development to formulate a unified policy to deal with such encroachments. The Committee find that there is no substantial decline in Railway Land under encroachment. However, they appreciate the idea of formation of Task Force to deal with such problems and desire to be apprised of the final outcome of the same. They also desire that while removing encroachments on the railway land, a humanitarian view should be taken towards the settlement colonies and vendors who have existed on railway land for more than 50 years.

Reply of the Government

As desired by the Committee, the final outcome of the proposal for formation of Task Force in the Ministry of Urban Development will be advised to the Committee in due course of time.

All encroachers of Railway land whether fresh or old are required to be removed. In the process of removal the procedure like serving of prior notices, holding the hearings with affected parties etc. is adopted. As far as possible the process of eviction is handled in a humanitarian manner.

[Ministry of Railways O.M. No.2006/BC-II/XIV/300/5 dated 18.01.2007]

Empowering of Estate Officer

(Recommendation Para No.7)

The Committee further note with concern that as on 31.3.2006 as many as 39733 cases were pending with the Estate Officer. Out of these, 16,964 cases were pending for more than five years. Further, they find that under the PPE Act, 1971, the Estate Officer, a quasi judicial authority, is not invested with adequate powers to deal with encroachment cases effectively. The orders of eviction passed by him

under the Act is not a decree of court and at times in the absence of assistance from the State Government, Railways are unable to execute the same. They were informed by the Railways that a suggestion to amend the PPE Act so as to empower Estate Officer was made to Ministry of Urban Development in the year 2003 but their final reply is still awaited. The Committee are of the strong view that to a great extent the problem of encroachment can be counteracted by empowering the Estate Officer at par with the Civil Courts. They, therefore, desire that the Railways should take up the matter with the Ministry of Urban Development at the highest level and necessary amendments in the PPE Act be brought out at the earliest.

Reply of the Government

As recommended by the Committee, a letter from Hon'ble Minister of Railways to the Hon'ble Minister of Urban Development will be sent, and thereafter it will be vigorously pursued.

[Ministry of Railways O.M. No.2006/BC-II/XIV/300/5 dated 18.01.2007]

NEW DELHI;
6 September, 2007
15 Bhadrapada, 1929 Saka

(BASUDEB ACHARIA)
Chairman,
Standing Committee on Railways

APPENDIX-II

ANALYSIS OF ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS/OBSERVATIONS CONTAINED IN THE 24th REPORT (14TH LOK SABHA) ON 'LAND MANAGEMENT'

Total number of Recommendations/Observations		11
(i)	Recommendations/observations which have been accepted by the Government (*Vide* recommendations/observations) Para Nos. 1, 2, 4, 8, 9, 10 and 11	7
	Percentage of total	64%
(ii)	Recommendations/observations which the Committee do not desire to pursue in view of the Government replies NIL	NIL
	Percentage of total	NIL
(iii)	Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee which require reiteration Para Nos. 6	01
	Percentage of total	9%
(iv)	Recommendations/observations in respect of which final replies of Government are still awaited Para Nos. 3, 5 and 7	3
	Percentage of total	27%

MINUTES OF THE FOURTH SITTING OF THE STANDING COMMITTEE ON RAILWAYS (2007-08)

The Committee sat on Thursday, the 6th September, 2007 from 1000 hours to 1030 hours in Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT

SHRI BASUDEB ACHARIA - CHAIRMAN

MEMBERS

LOK SABHA

2. Shri Prasanna Acharya
3. Shri Giridhar Gamang
4. Shri Anwar Hussain
5. Shri Mahesh Kumar Kanodia
6. Ch. Lal Singh
7. Shri Manik Singh
8. Shri Kishan Singh Sangwan
9. Shri K. Subbarayan

RAJYA SABHA

10. Shri Satyavrat Chaturvedi
11. Shri Lalit Kishore Chaturvedi
12. Shri Shreegopal Vyas
13. Shri Tarini Kanta Roy

SECRETARIAT

1.	Shri Louis Martin	-	Joint Secretary
2.	Shri V.S. Negi	-	Director
3.	Shri Hoti Lal	-	Deputy Secretary-II

2. The Committee considered and adopted the following draft Action Taken Reports without any amendment:-

(i) Draft report on action taken by the Government on the recommendations/observations contained in 24th report on 'Land Management'.

(ii) xxxx xxxx xxxx xxxx

(iii) xxxx xxxx xxxx xxxx

(iv) xxxx xxxx xxxx xxxx

The Committee then adjourned.